

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

**TimeBase Pty Ltd.,**

**Civ. No. 07-1687 (JNE/JJG)**

**Plaintiff,**

**v.**

**O R D E R**

**The Thomson Corporation, West  
Publishing Corporation, and West  
Services, Inc.,**

**Defendants.**

---

JEANNE J. GRAHAM, United States Magistrate Judge

This case is before the Court on Defendants' Requests for International Judicial Assistance Pursuant to the Hague Convention on the Taking of Evidence in Civil or Commercial Matters. The parties have successfully met and conferred regarding several areas of contention concerning Defendants' proposed letters rogatory, but they were unable to agree on two issues: (1) the location for production of documents and (2) the timing of oral testimony.

After reviewing the parties' recent correspondence, the Court rules as follows.<sup>1</sup> Defendants must revise the letters rogatory to designate Sydney, rather than Melbourne, as the default location for production, unless the parties agree otherwise. In addition, Defendants

---

<sup>1</sup> It is the Court's understanding that, in general, any future disputes concerning the breadth of discovery, existence of privilege, or application of Australia's substantive law will be resolved by an Australian court. *See In re Baycol Prods. Litig.*, 348 F. Supp. 2d 1058, 1061 (D. Minn. 2004) (citations omitted); *Tulip Computers Int'l B.V. v. Dell Computer Corp.*, 254 F. Supp. 2d 469, 475 (D. Del. 2003) (citing *Societe Nationale Industrielle Aerospatiale v. U.S. Dist. Ct. for the S. Dist. of Iowa*, 482 U.S. 522, 538 (1987)).

must also revise the letters rogatory to include the prior agreements of the parties, as reflected in the correspondence between the parties and to the Court. Finally, the Court takes no position on the timing of oral testimony. Defendants must submit the revised letters rogatory for the Court's signature by Tuesday, September 22, 2009.

Therefore, **IT IS HEREBY ORDERED** that Defendants must submit revised letters rogatory, complying with the instructions set forth herein, for the Court's signature by Tuesday, September 22, 2009.

Dated: September 17, 2009

*s/ Jeanne J. Graham*

---

JEANNE J. GRAHAM  
United States Magistrate Judge